

Attorney Docket No. P032 C1

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 9-3-04

Signature: Abby Berghella (Abby Berghella)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of:	John F. Shanley et al.		
Serial No.:	10/729,631	Art Unit:	3738
Filed:	December 5, 2003	Examiner:	Blanco, Javier G.
For:	EXPANDABLE MEDICAL DEVICE FOR DELIVERY OF BENEFICIAL AGENT		

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

1. Enclosures accompanying this Information Disclosure Statement are:

1a. ☒ A PTO-Form 1449 listing all patents, publications, applications, or other information submitted for consideration by the office.

1b. A legible copy of:

☒ Each publication and foreign patent reference;

☐ Each publication or that portion which caused it to be listed on the PTO-1449;

☐ For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or portion of the application which caused it to be listed on the PTO-1449 including any claims directed to that portion;

☐ all other information or portion which caused it to be listed on the PTO-1449.

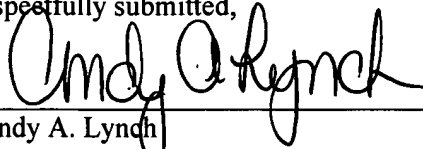
2. ☒ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b):
- ☐ Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);
  - ☐ Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
  - ☒ Before the mailing of the first Office action on the merits;
  - ☐ Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
3. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the period specified in 37 C.F.R. §1.97(b), but before the mailing date of any of a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that otherwise closes prosecution in the application.
- 3a. ☐ The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.
- 3b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:
- ☐ enclosed
4. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the period specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee.
- The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:
- ☐ enclosed.
- The Certification Statement in Item 5 below is applicable.
5. ☐ Certification Statement (applicable if Item 3a or Item 4 is checked)
- 5a. ☐ In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- 5b. ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.

- 5c. ☐ Pursuant to 37 C.F.R. §1.704(d), each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.
6. ☒ This application is a continuation application under 37 C.F.R. §1.60 or §1.53(b) or (d).
- 6a. ☐ A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is concurrently filed herewith.
- 6b. ☒ Copies of publications listed on Form PTO-1449 from prior application Serial No. 09/948,989, filed on September 7, 2001 and 09/688,092, filed October 16, 2000 from which this application claims priority under 35 U.S.C. §120, are not being submitted pursuant to 37 C.F.R. §1.98(d), however the Examiner should consider this information in accordance with MPEP §609(I)(A)(2).
- 6c. ☒ Copies of the foreign patents and publications listed on Form PTO-1449 are provided herewith.
7. ☐ This is a Supplemental Information Disclosure Statement.
- 7a. ☐ This Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Information Disclosure Statement filed on . A bona fide attempt was made to comply with 37 C.F.R. §1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental Information Disclosure Statement can be considered as if properly filed on .
8. ☐ In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:
- 8a. ☐ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.
- 8b. ☐ set forth in the application.
- 8c. ☐ enclosed as an attachment hereto.
9. ☒ The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Conor Medsystems, Inc. Deposit Account No. 50-3100.

10. ☒ No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).

Date: September 3, 2004

Respectfully submitted,



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Application No. 10/729,631  
Attorney Docket No. P032 C1

Substitute for forms 1449A/PTO &amp; 1449B/PTO

# FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Attorney's Dkt. No.

P032 01

Applicant

SHANLEY ET AL.

Filing Date

12-5-03

Application No.

10/729,631

Group

3738

## U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (mm-dd-yyyy)
	US-20010018469		Chen et al.	
	US-20010029351		Falotico et al.	
	US-20010029351		Falotico et al.	10/11/01
	US-20010125803		Vallana et al.	07/03/03
	US-20020007213		Falotico et al.	01/17/02
	US-20020016625		Falotico et al.	02/07/02
	US-20020028243		Bates et al.	
	US-20020032414		Ragheb et al.	
	US-20020068969		Shanley et al.	
	US-20020071902		Ding et al.	
	US-20020082680		Shanley et al.	06/27/02
	US-20020082682		Barclay et al.	06/27/02
	US-20020127263		Carlyle et al.	09/12/02
	US-20020193475		Hossainy et al.	
	US-20030028244		Bates et al.	
	US-20030036794		Ragheb et al.	
	US-20030050687		Schwade et al.	03/13/03
	US-20030060877		Falotico et al.	03/27/03
	US-20030068355		Shanley et al.	
	US-20030077312		Schmulewicz et al.	
	US-20030083646		Sirhan et al.	
	US-20030086957		Hughes et al.	
	US-20030088307		Shulze et al.	
	US-20030100865		Santini et al.	05/29/03

Examiner Initials		Date Considered	
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Substitute for forms 1449A/PTO &amp; 1449B/PTO

# FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Attorney's Dkt. No.

P032 01

Application No.

101729,631

Applicant

SHANLEY ET AL.

Filing Date

12-5-03

Group

3738

## U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (mm-dd-yyyy)
	US-20030157241		Hossainy et al.	
	US-20030176915		Wright et al.	09/18/03
	US-20030181973		Sahota	09/25/03
	US-20030199970		Shanley	
	US-20030204239		Carlyle et al.	10/30/03
	US-20030216699		Falotico	11/20/03
	US-20040073296		Epstein et al.	04/15/04
	US-20040122505		Shanley	06/24/04
	US-20040127976		Diaz	07/01/04
	US-20040127977		Shanley	07/01/04
	US-20040144506		Shanley et al.	06/24/04
	US-3657744		Ersek	
	US-4300244		Bukros	11/17/81
	US-4531936		Gordon	7/30/85
	US-4542025		Tice et al.	9/17/85
	US-4580568		Gianturco	4/8/86
	US-4650466		Luther	3/17/87
	US-4733665		Palmaz	3/29/88
	US-4739762		Palmaz	4/26/88
	US-4776337		Palmaz	10/11/88
	US-4800882		Gianturco	1/31/89
	US-4824436		Wollinsky	4/25/89
	US-4834755		Silvestrini et al.	5/30/89
	US-4955878		See et al.	9/11/90

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# FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Attorney's Dkt. No.

P032 C1

Application No.

101729,631

Applicant

SHANLEY ET AL.

Filing Date

12-5-03

Group

3138

## U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (mm-dd-yyyy)
	US-4957508		Kaneko et al.	9/18/90
	US-4960790		Steela et al.	10/2/90
	US-4969458		Witkor	11/13/90
	US-4989601		Marchosky et al.	2/5/91
	US-4990155		Wilkoff et al.	2/5/91
	US-4994071		MacGregor	2/19/91
	US-5019090		Pinchuk	5/28/91
	US-5049132		Shaffer et al	9/17/91
	US-5053048		Pinchuk	10/1/91
	US-5059166		Fischell et al.	10/22/91
	US-5059178		Ya et al.	10/22/91
	US-5059211		Stack et al.	10/22/91
	US-5092841		Spears	3/3/92
	US-5102417		Palmaz	4/7/92
	US-5171217		March et al.	12/15/92
	US-5171262		MacGregor	12/15/92
	US-5176617		Fischell et al.	1/5/93
	US-5195984		Schatz	3/23/93
	US-5197978		Hess	3/30/93
	US-5213580		Slepian et al.	5/25/93
	US-5234456		Silvestrini	
	US-5286254		Shapland et al.	2/15/94
	US-5292512		Schaefer et al.	3/8/94
	US-5304121		Sahatjian	4/19/94

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Substitute for forms 1449A/PTO & 1449B/PTO  <b>FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>	Attorney's Dkt. No.	Application No.
	PO32 C1	10129,631
	Applicant	
	SHANLEY ET AL.	
	Filing Date	Group
	12-5-03	3138

### U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (mm-dd-yyyy)
	US-5314688		Kauffman et al.	5/24/94
	US-5342348		Kaplan	
	US-5342621		Eury	8/30/94
	US-5380299		Fearnot et al.	
	US-5383928		Scott et al.	
	US-5403858		Bastard et al.	4/4/95
	US-5407683		Shively	4/18/95
	US-5415869		Straubinger et al.	5/16/95
	US-5419760		Narciso	
	US-5439446		Barry	8/8/95
	US-5439686		Desai et al.	8/8/95
	US-5441745		Presant et al.	8/15/95
	US-5443496		Schwartz et al.	8/95
	US-5443497		Venbrx	8/95
	US-5447724		Helmus et al	9/5/95
	US-5449373		Pinchasik et al.	9/12/95
	US-5449513		Yokoyama et al.	9/12/95
	US-5457113		Cullinan et al.	10/10/95
	US-5460817		Langley et al.	10/24/95
	US-5462866		Wang	10/31/95
	US-5464450		Buscemi et al.	11/7/95
	US-5464650		Berg et al.	
	US-5472985		Grainger et al.	
	US-5473055		Mongelli et al.	12/5/95

Examiner Initials		Date Considered	
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Substitute for forms 1449A/PTO &amp; 1449B/PTO

# FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Attorney's Dkt. No.

P632 C1

Application No.

101729, 631

Applicant

SHANLEY ET AL.

Filing Date

12-5-03

Group

3138

## U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (mm-dd-yyyy)
	US-5499373		Richards et al.	3/12/96
	US-5534287		Lukic	
	US-5545208		Wolff et al.	
	US-5545210		Hess et al.	4/13/96
	US-5545569		Grainger et al.	
	US-5575771		Walinsky	11/19/96
	US-5578075		Dayton	
	US-5593434		Williams	1/14/97
	US-5595722		Grainger et al.	
	US-5599844		Grainger et al.	
	US-5605696		Eury et al.	
	US-5607442		Fischell et al.	3/4/97
	US-5609629		Fearnot et al.	
	US-5616608		Kinsella et al.	
	US-5617878		Taheri	4/8/97
	US-5628787		Mayer	5/13/97
	US-5665591		Sonenshein et al.	
	US-5674278		Boneau	10/7/97
	US-5679400		Tuch	
	US-5697971		Fischell et al.	12/16/97
	US-5713949		Jayaraman	
	US-5716981		Hunter et al.	
	US-5769883		Buscemi et al.	6/23/98
	US-5770609		Grainger et al.	

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Substitute for forms 1449A/PTO &amp; 1449B/PTO

# FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Attorney's Dkt. No.

P032 C1

Application No.

161729,631

Applicant

SHANLEY ET AL.

Filing Date

12-5-03

Group

3138

## U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (mm-dd-yyyy)
	US-5773479		Grainger et al.	
	US-5776181		Lee et al.	7/7/98
	US-5776184		Tuch	
	US-5797898		Santini et al.	
	US-5811447		Kunz et al.	
	US-5817152		Birdsall et al.	10/6/98
	US-5824045		Alt	
	US-5824049		Ragheb et al.	
	US-5837008		Berg et al.	
	US-5843117		Alt et al.	12/1/98
	US-5843120		Israel et al.	12/1/98
	US-5843175		Frantzen	12/1/98
	US-5853419		Imran	12/29/98
	US-5855600		Alt	1/5/99
	US-5886026		Hunter et al.	
	US-5922020		Klein et al.	7/13/99
	US-5922021		Jang	7/13/99
	US-5928916		Keogh	
	US-5935506		Schmitz et al.	
	US-5945456		Grainger et al.	
	US-5964798		Imran	10/12/99
	US-5968092		Buscemi et al.	
	US-5972027		Johnson	
	US-5980551		Summers et al.	

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Substitute for forms 1449A/PTO &amp; 1449B/PTO

# FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Attorney's Dkt. No.

P032 01

Application No.

101729, 631

Applicant

SHANLEY ET AL.

Filing Date

12-5-03

Group

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## U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (mm-dd-yyyy)
	US-5980972		Ding	
	US-5981568		Kunz et al.	
	US-5992769		Wise	
	US-5994341		Hunter et al.	
	US-6007517		Anderson	12/28/99
	US-6017363		Hojeibane	1/25/00
	US-6019789		Dinh et al.	2/1/00
	US-6030414		Taheri	2/29/00
	US-6056722		Jayaraman	5/2/00
	US-6063101		Jacobsen et al.	
	US-6074659		Kunz et al.	
	US-6120536		Ding et al.	
	US-6121027		Clapper et al.	
	US-6123861		Santini et al.	
	US-6140127		Sprague	
	US-6171609		Kunz	
	US-6239118		Schatz et al.	
	US-6241762		Shanley	
	US-6268390		Kunz	
	US-6290673		Shanley	9/18/01
	US-6293967		Shanley	
	US-6299604		Ragheb et al.	
	US-6306166		Barry et al.	
	US-6306421		Kunz et al.	

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# FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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P032 01

Application No.

101729,631

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SHANLEY ET AL.

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12-5-03

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3738

## U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (mm-dd-yyyy)
	US-6358556		Ding et al.	
	US-6358989		Kunz et al.	
	US-6399144		Dinh et al.	
	US-6403635		Kinsella et al.	
	US-6423092		Datta et al.	
	US-6429232		Kinsella et al.	
	US-6491666		Santini et al.	
	US-6491938		Kunz et al.	
	US-6497916		Taylor et al.	
	US-6500859		Kinsella et al.	
	US-6503954		Bhat et al.	
	US-6515009		Kunz et al.	
	US-6537256		Santini et al.	
	US-6551838		Santini et al.	
	US-6562065		Shanley	
	US-6569441		Kunz et al.	
	US-6569688		Sivan et al.	
	US-6572642		Rinaldi et al.	
	US-6585764		Wright et al.	
	US-6599928		Kunz et al.	
	US-6613084		Yang	
	US-6627246		Mehta et al.	
	US-6638302		Curcio et al.	
	US-6645547		Shekalim et al.	

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# FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Attorney's Dkt. No.

P032 C1

Application No.

10/129,631

Applicant

SHANLEY ET AL.

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12-5-03

Group

3138

## U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (mm-dd-yyyy)
	US-6656162		Santini et al.	
	US-6660034		Mandrusov et al.	
	US-6663881		Kunz et al.	
	US-6673385		Ding et al.	
	US-6682545		Kester	
	US-6702850		Byun et al.	
	US-6712845		Hossainy	
	US-6713119		Hossainy et al.	
	US-6716444		Castro et al.	
	US-6716981		Hunter et al.	
	US-6720350		Kunz et al.	
	US-6723373		Narayanan et al.	
	US-6730064		Ragheb et al.	
	US-6730116		Wolinsky et al.	

Examiner  
InitialsDate  
Considered

Substitute for forms 1449A/PTO &amp; 1449B/PTO

# FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Attorney's Dkt. No.

Pd32 01

Application No.

101729, 631

Applicant

SHANLEY ET AL.

Filing Date

12-5-03

Group

3738

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Country	Publication Date (mm-dd-yyyy)	Translation	
					Yes	No
	EP-0294905		EPO	12/14/88		
	EP-0335341		EPO	10/4/89		
	EP-0375520		EPO	6/27/90		
	EP-0470569		EPO	2/12/92		
	EP-0551182		EPO	7/14/93		
	EP-0566245		EPO	10/6/99		
	EP-0567816		EPO	11/3/93		
	EP-0568310		EPO	11/3/93		
	EP-0604022		EPO	6/29/94		
	EP-0623354		EPO	11/9/94		
	EP-0627226		EPO	12/7/94		
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	WO-0152915		PCT	7/26/01		
	WO-02087586		PCT	11/07/02		
	WO-0226162		PCT	04/04/02		

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	Applicant SHANLEY ET AL.	
	Filing Date 12-5-03	Group 3738

### FOREIGN PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Country	Publication Date (mm-dd-yyyy)	Translation	
					Yes	No
	WO-0241931A2		PCT	5/30/02		
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	WO-03018083		PCT	3/6/03		
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	WO-9110424		PCT	7/25/91		
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	WO-9524908		PCT	9/21/95		
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	WO-9818407		PCT	5/7/98		
	WO-9819628		PCT	5/14/98		

Examiner Initials		Date Considered	
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P032 01

Application No.

101729, 631

Applicant

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					Yes	No
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	WO-9823228		PCT	6/4/98		
	WO-9949928		PCT	10/7/99		

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## NON PATENT LITERATURE DOCUMENTS

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Include name of author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.

AMY C. RICHARDS GRAYSON et al. "Multi-pulse Drug Delivery From a Resorbable Polymeric Microchip Device". Nature Materials., Vol. 2, November 2003, pp. 767-770

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